MT LEGISLATIVE HISTORY

Chapter 368 1973

Bill H 335 S _____ Original bill & hist. ___C

H. Committee on Natural Resources		S. Committee on Natural Resources	
Hearing Date(s) Feb 08	✓C	Hearing Date(s) Mar 08	✓C
Feb 10	✓C	_____	___C
_____	___C	_____	___C
_____	___C	_____	___C
Date Out Feb 10	✓C	Mar 08	✓C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

February 8, 1973

The Natural Resources Committee met in the House Chambers at 7:15 P.M. with Chairman Shelden presiding for a hearing on HB 335.

CHAIRMAN SHELDEN stated the proponents and opponents of HB 335 would have thirty minutes each, a ten minute rebuttal for the proponents, and then questions from the committee.

REP. AAGESON, chief sponsor of HB 335, was the first speaker and he introduced the following proponent speakers. He stated that this bill hopes to deal with the lack of rain in Montana by research into the use of atmospheric water. He submitted some amendments to correct omissions unintentionally made in drafting. This is exhibit 1.

REP. GUNDERSON was the next speaker. He read a statement from Gary Wicks, Department of Natural Resources, who was unable to attend. Mr. Wick's testimony becomes exhibit 2. Rep. Gunderson stated that they were concerned with alkalinity in his part of the state; and he felt that, if the amount of rainfall could be increased, the farmers could go to continuous cropping and this would help alleviate the problem.

ROBERT YAW, Montana State University, was the next speaker. He stated that increased knowledge of weather modification and increasing Montanan's interest in the technology are vital to the welfare of Montana residents. Mr. Yaw mentioned that weather modification is in operational use in many places: Russia, France, Austrailia, Tasmania, North Dakota, and South Dakota. He stated that we should co-operate with the federal government and with neighboring states. He felt that a permissive law such as this, under the supervision of the Natural Resources agency, is reasonable.

HARLEN SUPER, Montana University, was the next speaker. He stated that winter cloud seeding is fast becoming a reality, as there is a strong indication that an increase in the snow pack can occur. As far as summer seeding, he said it is possible to treat certain kinds of clouds and get appreciable rainfall. This bill would promote research and Mr. Super feels this is what is needed now.

EVERETT SHORTLAND, Montana Farm Bureau, was the next speaker. He stated that some work in weather modification, including hail suppression, had been done in his county. He stressed the need of research and his support of this bill.

MARVIN MILLER, Bureau of Mines at Butte, was the next speaker. He stated he wished to go on record as favoring this legislation which would promote research and bring in, if possible, additional federal funds.

FRED CARUSO, Montana Water Development Association, went on record as favoring HB 335. He felt, too, that it would encourage research so we could enjoy the fullest use of our water resources.

BUD ASPEVIG, Havre Chamber of Commerce, stated that his group wished him to express their support of this bill.

FRANK J. SCHLEDORN, Soil Conservation Service, Department of Agriculture, was the next speaker to support the bill.

JOE ASLESON, Montana State University, was the next speaker. He stated that he was no longer a skeptic on weather modification, but he felt there were still a few things to learn and so the need of this bill.

EUGENE CROGHAN, Montana Grain Growers Assoc., and CLYDE JARVIS, Montana Farmers Union, left supporting joint testimony with the secretary and there was a copy for each committee member. This is exhibit 3.

The only opposing speaker was Shirley J. Berg, Sierra Club. Her testimony is attached and exhibit 4.

Rep. Aageson spoke during the rebuttal. He stated that weather modification would be locally controlled within the counties--approval of 51% of the voters outside of incorporated towns and cities would be needed before going ahead. There would be an option of taxing up to 2 mills on the property to finance the program. This again would be outside of towns and cities.

Mr. Yaw, also spoke a few words during this period.

The hearing was then opened to questions from the committee. It was brought out that no adverse conditions had been found 100 to 150 miles downwind from a seeding. Rep. Huennekins was dubious about county control and felt it should be several counties combined.

Chairman Shelden opened the meeting to opponents of HB 555 who had been unable to be at the hearing of the bill Thursday morning.

The first opponent speaker was TOM GWYNN, representing the coal companies of Montana. His testimony is exhibit 5.

KENNETH KAIGHN, Operating Engineers Union #400, AFL-CIO, was the next speaker. His testimony is exhibit 6.

Questions were asked by the committee.

The meeting adjourned at 8:45 P.M.

Respectfully submitted

Arthur H. Shelden

ARTHUR H. SHELDEN
Chairman

eas

NAME David Dayson BILL NO. 336

ADDRESS _____ DATE 2-8-23

_____ 6x1

WHOM DO YOU REPRESENT? State Rep

SUPPORT? X OPPOSE? _____ AMEND? _____ (1)

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY. Ex. 1

From the Capitol

Ex. 1

HOUSE BILL 335

be amended on page 5, after line 11, by adding a new subsection (5) to read as follows: "(5) and weather modification authorities under section 6 of this act.", and

further amend on page 13, after line 21, by adding a new section 11 to read as follows: "Section 11. The exercise of board powers: The board shall exercise its powers in such a manner as to promote the continued conduct of research and development activities and the identification and evaluation of meteorological, environmental, ecological, agricultural, economical, hydrological and sociological in parts of weather modification in Montana.", and

further amend on page 13 by renumbering subsequent subsection to conform numerically.

AMENDMENTS TO HOUSE BILL 335

Amend on page 5, section 4, subsection (1), line 3, after "research" by deleting the comma "," and inserting the word "and" , and

further amend on page 5, section 4, line 11, after "hail" by deleting the period "." and inserting in lieu thereof ", and"

and further amend on page 5, section 4, following line 11, by adding a new subsection to read, " (5) and weather modification authorities under section 6 of this act."

NAME Rep. Jack Anderson BILL No. 335

ADDRESS _____ DATE Feb 2/23

WHOM DO YOU REPRESENT? Self & Tony Wick of Dept of Natural Res.

SUPPORT? X OPPOSE? _____ AMEND? _____

Ex. 2

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

(2)

Ex. 2

H.B 335

Ex. 2

~~Since I am responsible~~

Since the DNR is responsible for the administration of the current weather modification law I think it appropriate to point out a number of difficulties we have run into because of the existing laws inflexibility 1. there is no ~~discretion~~ discretion as to public hearings - one must be held before a permit can be issued This has resulted in an ~~possibility~~ absurdity like we encountered last December, An emergency cloud seeding permit was applied for , the operation be- ~~granted to~~ consisting of dry-ice seeding at an airport in the state if an emergency in flight operations occurred The hearing costs about 200 for travel and fees for a lawyer and a secretary . Three people showed up - a lawyer, the secretary and the applicant 2. because of the hearing provision and other restrictions in the existing law ~~recriprocal~~ reciprocal cooperative agreements with the federal government and other states is difficult. 3. very little is said about research in the existing law more research is necessary to determine whether or not weather modification activities are economically and environmentally desirable. The economic benefits ~~result~~ to a state like Montana if just a small amount of control could be brought to the timing of rainfall are obvious. An adequate ~~new~~ law would allow more freedom for the Department to engage in research activities in cooperation with the federal government and private concerns.

Because House Bill 335 would eliminate the difficulties I have just outlined I urge its passage.

Harry Wheeler

NAME Bob Yaus BILL NO. 335

ADDRESS 415 So 12TH Ave DATE 8

WHOM DO YOU REPRESENT? MT. STATE University

SUPPORT? * OPPOSE? _____ AMEND? *

(3)

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Increased knowledge of weather modification and Montana's Interests in the technology are vital to the welfare of montana residents.

NAME Everett Smethurst BILL NO HB335

ADDRESS Conrad, Montana DATE 1/8/79

WHOM DO YOU REPRESENT? Montana Farm Bureau

(5)

SUPPORT? X OPPOSE? _____ AMEND? _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

NAME Fred Carlson BILL NO. 335

ADDRESS 1019 Hauser DATE 2/8/73

Helena, Montana 59601

WHOM DO YOU REPRESENT? Montana Water Development Assn.

SUPPORT? X OPPOSE? _____ AMEND? _____

(1)

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Statement on HB335

Jon Fredericks, representing MWDA.

The Montana Water Development Association is a non-agency, voluntary association of irrigators, small business, industry and other members concerned with the fullest multi-purpose development of our water resources.

Our association supports House Bill 335 which will allow further study of the possibility of affecting precipitation in water shed in Montana.

It is our feeling that the provisions of HB 335 will allow the work to proceed at a pace sufficient to allow thorough study of the effect of weather modification and yet allow the citizens of Montana to achieve the fullest benefit of the work.

We support every effort to achieve maximum benefit of our water resources, whether they be on the land or in the atmosphere. We urge the passage of HB335.

NAME BUD ASPEVIG BILL NO. 335

ADDRESS RUDYARD, MT DATE 2-8-73

WHOM DO YOU REPRESENT? Havre Chamber of Commerce

SUPPORT? ✓ OPPOSE? _____ AMEND? _____

(8)

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

NAME Frank J. Schlehuber BILL NO. 355

ADDRESS 1288 - N. 8th Ave DATE Feb 8

Bozeman, Montana

WHOM DO YOU REPRESENT? Soil Conservation Service

SUPPORT? Yes OPPOSE? _____ AMEND? _____ (9)

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Our Office of
The Soil Conservation Service provides technical assistance to all land and water users in Montana to help them to effectively manage their land, water and related resources. Our Snow Survey Division has worked closely with the Montana Power Co. and Montana Power Co. in private weather modification studies and programs. We believe additional information regarding the part that weather modification can play in providing a more reliable supply of moisture for crop production, particularly in eastern Montana is a real need. A more dependable supply of water, either by increasing or decreasing the intensity of rainfall, would enhance the opportunity for much better and more efficient use of the related land and plant resources. We would encourage prompt consideration of this proposed legislation, with particular emphasis on the control and research so Montana may benefit therefrom and proceed into the future with a better base of weather data. Thank you.

NAME J. A. Aslaxon BILL NO. HB 336

ADDRESS Montana State University DATE 8 Feb 1973

Bozeman, Mont

WHOM DO YOU REPRESENT? Montana State University

SUPPORT? X OPPOSE? _____ AMEND? _____

(10)

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Montana Farmers Union
Serving Farmers and Ranchers of Montana –
BOX 2447 – GREAT FALLS, MONTANA 59403
Phone 406-467-2406

Dorothy. . . .

Neither Clyde nor Gene Croghan will be available in person for the Natural Resources Committee hearing on HB335.

Would you please take this testimony (1 each for members and secretary) and state for those attending that there is written testimony supporting the measure submitted by the Montana Grain Growers Association and the Montana Farmers Union?

Thank you for us!

Joe R. & Clyde

JOINT TESTIMONY BY EUGENE CROGHAN, SECRETARY-TREASURER, MONTANA GRAIN GROWERS ASSOCIATION, 510 1ST AVE. N., GREAT FALLS, MONTANA, AND CLYDE JARVIS, PRESIDENT, MONTANA FARMERS UNION, 750 6TH ST. S.W., GREAT FALLS, MONTANA, BEFORE THE NATURAL RESOURCES COMMITTEE, MONTANA HOUSE OF REPRESENTATIVES, HEARING ON HOUSE BILL 335, THURSDAY, FEBRUARY 8, 1973.

Ex. 3

Because our organizations have similar views on this legislation, and to save your committee time by avoiding repetition, we are submitting this joint statement in support of House Bill 335.

It is extremely important to determine what weather modification can do for us in Montana. North and South Dakota already have aggressive programs under way and we cannot afford not to find out if it will work here.

We represent moisture-hungry farmers and ranchers, trying to produce crops and livestock under generally semi-arid conditions.

Professors of meteorology in the department of earth sciences at Montana State University in Bozeman have developed statistical and research data in cooperation with other states which indicate Montana cropland and range areas have the greatest potential in the 14 western states for successful application of cloud seeding.

In combination with the agricultural establishment at MSU, they have illustrated that an extra inch of precipitation so developed could yield a favorable benefit to cost ratio of 22 to 1 on cropland and 8 to 1 on rangeland.

The economic multiplier benefits to local areas and the state in turn would be measured in multi-millions of dollars.

We are interested obviously in the practical application of the cloud seeding theory and have encouraged plans for a proposed project which could be state supported and federally funded.

Our knowledge of the state project in South Dakota and the tri-county effort in North Dakota, indicate House Bill 335 is the logical step for Montana to be taking to develop weather modification.

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NAME Shirley T. Berg BILL NO. AB 385

ADDRESS Box 845 DATE 2/15/72

WHOM DO YOU REPRESENT? Sierra Club

SUPPORT?_____ OPPOSE? X AMEND?_____

Exh. 4

(11)

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

letter attached.

Feb. 8, 1973

Testimony by the Upper Missouri Group of the Sierra Club

We oppose H.B. 338 because we feel that far too little is known about the total effect on the natural balance of weather by modification. In view of our virtual dirth of knowledge, we find it impossible to agree, that the manipulation should be broadened and encouraged. Man must learn more, much more about the natural state of affairs, before we encourage anyone to go out and make changes.

We are unconvinced that weather modification can really be adjudged as beneficial for the general welfare and public good. Surely so basic a decision must be accompanied on every instance by mandatory, broadly publicized public hearing in the region. Wilderness areas must be left inviolate by modifying activities.

Far too often, technology is developed in anticipation of future needs---which develop only because the technology is available. Balance is essential to the community of living things. We cannot afford an inadvertant tip of that balance by unresearched, unnecessary manipulation of so basic an element as weather. Man has the tools necessary to change the patterns of nature, but has he the wisdom to refrain from activities which could, in time, prove to have been a serious dislocation of the natural order.

Thank You,

Shirley J. Berg

NEIL CASSEL, Montana Soft Drink Assn., was the next speaker. His testimony is exhibit 1.

REP. HALVORSON read a telegram from the management and employees of Flathead Bottling Company favoring this legislation. This is exhibit 2.

AL DOUGHERTY, Montana Beer Wholesale Association, was the first opponent speaker. He stated he had been foremost in the campaign against litter since 1955. He feels HB 554 hits only a portion of the problem. He mentioned the requirement of a uniform litter receptacle would make litter receptacle manufacturers happy. Another item of cost would be the providing of a container to every licensed car driver. He, also, questioned the 1 to 1 1/2 hundreths of 1% that would be assessed products made and sold within the state that would be litter producers. Mr. Dougherty felt this bill would deal only with the cosmetic part of the problem, where it should also contain parts on recycling and education. He felt HJR 34 would be a better bill for now.

DOUG STEWART was the next speaker. He stated he had a private recycling center at Billings and Missoula. He felt the problem should be studied further before adopting any law.

REP. HAINES spoke during the rebuttal. He said this wasn't a crash program. He didn't know what income would be produced. He hoped the committee would pass or hold the bill until the 1974 session.

There were questions from the committee.

HOUSE BILL 335:
Rep. Shelden opened the meeting to consideration of HB 335. Rep. Lucas moved that it do pass. The secretary read the roll and the motion carried with 14 yes and 3 no (Johnston, Schye, and Harper).

HOUSE BILL 391:
Rep. Lucas moved that HB 391 be taken off the table. Roll vote was taken and there were 10 yes and 7 no (Shelden, Bradley, Colberg, Huennekens, Stoltz, Swanberg, Harper). Rep. Lucas then moved that HB 391 do not pass. Roll call vote was taken and the vote was 11 yes to 6 no (Shelden, Bradley, Colberg, Huennekens, Stoltz, Harper).

HOUSE JOINT RESOLUTION 34:
Rep. Colberg read suggested amendments to HJR 34. Rep. Schepens moved that HJR 34 as so amended do pass, and it was seconded by Rep. Johnston. Motion carried unanimously (Rep. Bradley absent).

HOUSE BILL 554:
Chairman Shelden brought HB 554 up for consideration. Rep. Colberg moved that action be deferred until the 1974 session. Motion carried unanimously (Bradley absent).

Adjourned at 12:55 P.M.

Respectfully submitted

Arthur H. Shelden

ARTHUR H. SHELDEN, Chairman

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March 8, 1973

A meeting of the Natural Resources Committee was called to order by Senator Bertsche, Chairman, on the above date at 10:00 A.M. in Room 331. Senators Bollinger and Cochrane were absent. Senator McKeon was excused early for another meeting.

HOUSE BILL 335, the weather modification bill, was brought up for further consideration. Rep. Aageson had with him Professor Yaw, to answer any technical questions for the committee.

Jim Stephens, President of the Montana Graingrowers Association, also urged support of the bill in order that Montana can be eligible for federal programs.

HOUSE JOINT RESOLUTION 33 - Rep. Lien, the bills sponsor, presented some amendments to the committee, which gave the study to the Legislative Council, rather than to the Environmental Quality Council. Jack Rehberg, representing the Montana Petroleum Association, wondered if the gas and oil commission should be included to aid in the study, and feels they have been accused unjustly. In defense of his remarks, he presented the attached sheet.

A brief discussion followed, following which the guests were excused.

Senator Bennett moved for adoption of the amendments proposed by Rep. Lien. Seconded by Senator McGowan. Motion carried, with Senator DeWolfe voting no. Senator Bennett further moved to amend page 2, line 3, after t-e word "legislature" by inserting ", if warranted," and further on page 2, line 4 by striking "second session of the forty-third" and inserting "forty-fourth". Seconded by Senator Moritz. Motion carried, with 4 ayes, 3 nos.

Senator Darrow moved to strike lines 20 and 21 of page 1. Seconded by Senator McGowan. Motion carried unanimously.

Senator McGowan moved HOUSE JOINT RESOLUTION 33 BE CONCURRED IN. Seconded by Senator Bennett. As a substitute motion, Senator DeWolfe moved HOUSE JOINT RESOLUTION 33 BE NOT CONCURRED IN. Seconded by Senator Darrow. MOTION CARRIED, by a vote of 5 to 2.

Senator Darrow moved HOUSE BILL 335 DO NOT PASS. Seconded by Senator Flynn. As a substitute motion, Senator McGowan moved HOUSE BILL 335 BE RETAINED FOR THE 74 SESSION. Seconded by Senator Moritz. Substitute motion failed, 2 to 5. Vote on the original motion passed by a vote of 6 to 1.

There being no further business, the meeting was adjourned.

WM. H. BERTSCHE, Chairman

SENATE COMMITTEE NATURAL RESOURCES

Date 3-8-73 House Bill No. 334 Time 10:00 AM

NAME	YES	NO
Gordon McGowan, V. C.	✓	
Gordon Bollinger		
Percy De Wolfe		✓
Elmer Flynn		✓
Luke McKeon		
George Bennett		✓
Archie Cochrane		
George Darrow		✓
George McCallum		✓
Earl Moritz	✓	
Bill Bertsche, Chairman		

Secretary, Sylvia Kinsey

Chairman, Bill Bertsche

Motion: Same motion to be retained [illegible] 74

Passed

SENATE COMMITTEE NATURAL RESOURCES

Date _____ Nov _____ Bill No. 335 Time _____

NAME	YES	NO
Gordon McGowan, V. C.		~
Gordon Bollinger		
Percy De Wolfe	~	
Elmer Flynn	~	
Luke McKeon		
George Bennett	~	
Archie Cochrane		
George Darrow		
George McCallum	~	
Earl Moritz	~	
Bill Bertsche, Chairman		

Secretary, Sylvia Kinsey

Chairman, Bill Bertsche

Motion: House Bill 335 Be Not Concurred In

during the taxable year. Such tax shall be in lieu of the tax otherwise imposed under this section. The gross volume of sales made in Montana during the taxable year shall be determined according to article IV, sections 16 and 17, of the multistate tax compact."

Approved: March 13, 1973.

CHAPTER NO. 368

An Act Amending Sections 89-310, 89-312, 89-314 and 89-318, R.C.M. 1947; Adding New Provisions Broadening the Scope of Weather Modification by Authorizing More Extensive Research and Development of Weather Modification.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 89-310, R.C.M. 1947, is amended to read as follows:

"89-310. *Definitions.* As used in this act unless the context clearly indicates otherwise:

(1) "Weather modification and control" means changing or controlling, or attempting to change or control, by artificial methods, the natural development of any or all atmospheric cloud forms or precipitation forms which occur in the troposphere.

(2) "Research and development" means theoretical analysis, exploration and experimentation, and the extension of investigative findings and theories of a scientific and technical nature into pracical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials, and processes.

(3) "Department" means the department of natural resources and conservation, as provided in title 82A, chapter 15."

Section 2. Section 89-312, R.C.M. 1947, is amended to read as follows:

"89-312. *Acquisition* of **property—acceptance and expenditure of funds**—*research and development authority.* In addition to any other acts authorized by law the *department may:*

(1) acquire materials, equipment and facilities as are necessary to perform its duties under this act;

(2) receive any funds which may be offered or become available from federal grants or appropriations, private gifts, donations, bequests, or any other source and unless their use is restricted, may expend the funds for the administration of this act;

(3) make such studies and investigations, and obtain such information as the department may deem necessary in exercising its authority in the administration or enforcement of this act;

(4) cooperate with public or private agencies in the performance of the department's functions or duties and in futherance of the purposes of this act;

(5) represent the state in any and all matters pertaining to plans, procedures or negotiations for interstate compacts relating to weather modification and control;

(6) enter into cooperative agreements with the United States government or any of its agencies, or with the various counties and cities of this state or with any private or public agencies for conducting weather modification or cloud seeding operations;

(7) act for and represent the state and the counties, cities and private or public agencies in contracting with private concerns for the performance of weather modifications or cloud seeding operations; and

(8) conduct and may make arrangements including contracts and agreements for the conduct of, research and development activities relating to:

(a) the identification and evaluation of meteorological, environmental, ecological, agricultural, economic, hydrological and sociological impacts of weather modification in Montana;

(b) the theory and development of methods of weather modification and control, including processes, materials and devices relating thereto;

(c) the utilization of weather modification and control for agricultural, industrial, commercial, recreational and other purposes;

(d) the protection of life and property during research and operational activities."

Section 3. The department may establish by rule standards and instructions to govern the carrying out of research and development or projects in weather modification and control as it deems necessary or desirable to minimize danger to health, safety, welfare or property.

Section 4. Section 89-314, R.C.M. 1947, is amended to read as follows:

"89-314. **Board to review applications — *exemptions.*** The board shall review all applications for weather modification *activities* and may provide by rule for exempting from the license and permit *requirements of this act:*

(1) research *and* development, and experiments by state and federal agencies, institutions of higher learning and bona fide non-profit research organizations and their agents;

(2) laboratory research and experiments;

(3) activities of an emergency character for protection against fire, frost, sleet, or fog; and

(4) activities normally engaged in for purposes other than those of inducing, increasing, decreasing, or preventing precipitation or hail."

Section 5. Section 89-318, R.C.M. 1947, is amended to read as follows:

"89-318. **Issuance of permits — requirements for permit.** The permits shall be issued in accordance with procedures and subject to conditions the board may by rule establish to effectuate the provisions of this act, only:

(1) if the applicant is licensed pursuant to this act;

(2) if sufficient notice of intention is published and proof of publication is filed as required in section 13 [89-322] of this act;

(3) if an applicant furnishes proof of financial responsibility in an amount to be determined by the board as required in section 14 [89-323] of this act;

(4) if the fee for the permit is paid as required in section 15 [89-324] of this act;

(5) if the weather modification and control activities to be conducted are determined by the board to be for the general welfare and the public good;

A public hearing may be held in the area to be affected by the issuance of the permit, if the department determines that such a hearing is necessary."

Approved: March 13, 1973.

CHAPTER NO. 369

An Act to Amend Section 87-106, R.C.M. 1947, Changing the Amount of Disqualifying Retirement Income; and Providing Amendments to Conform with Reorganization as Required in Title 82A, Chapter 10, R.C.M. 1947.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 87-106, R.C.M. 1947, is amended to read as follows:

"87-106. **Disqualification for benefits.** An individual shall be disqualified for benefits —

(a) If he has left work without good cause attributable to the employment for a period of not less than two (2) nor more than five (5) weeks (in addition to and immediately following the waiting period), as determined by the *division* according to the circumstances in each case.

(b) If he has been discharged:

(1) For misconduct connected with his work, or affecting his employment, for a period of not less than two (2) nor more than nine (9) weeks (in addition to and immediately following the waiting period), as determined by the *division* in each case according to the seriousness of the misconduct.

(2) For gross misconduct connected with his work or committed on the employer's premises, as determined by the *division*, for a period of twelve (12) months.

(c) If he failed, without good cause, either to apply for available and suitable work when so directed by the employment office or the *division* or to accept suitable work offered to him which he is physically able and mentally qualified to perform, or to return to his customary self-employment (if any) when so directed by the *division*. Such disqualification shall continue for the week in which such failure occurred and for not less than two (2) nor more than five (5) weeks in addition to the waiting week which immediately follow such week as determined by the *division* according to the circumstances in each case.

(1) In determining whether or not any work is suitable for an individual, the *division* shall consider the degree of risk involved to his health, safety, and morals, his physical fitness and prior training, his experience and previous earnings, his length of unemployment and prospects for securing local work in his customary occupation, and the distance of the available work from his residence.

(2) Notwithstanding any other provisions of this act, no work shall be deemed suitable and benefits shall not be denied under this act to any otherwise eligible individual for refusing to accept new work under any of the following conditions: